

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

JERARDO RODRIGUEZ,

Plaintiff,

v.

SOHI HEMIT, et al.

Defendants.

Case No. C16-778-RAJ

ORDER

This matter comes before the Court *sua sponte* on this Court's Order's dismissing Plaintiff's complaint with leave to amend. Dkt. # 76. Plaintiff filed this action complaining about his mail carrier and mail service. Dkt. ## 1-1, 41. Defendants filed a Motion to Dismiss for lack of subject matter jurisdiction and for failure to state a claim upon which relief can be granted. Dkt. ## 58, 66. On July 30, 2018, the Court granted Defendant's Motion to Dismiss and dismissed Plaintiff's Complaint. Dkt. # 76. The Court dismissed the complaint on the grounds that the Court lacked subject matter jurisdiction because Plaintiff failed to exhaust his administrative remedies, and because Plaintiff failed to state a claim. *Id.* The Court instructed that Plaintiff must file an amended complaint within fourteen (14) days of the date of the Order. *Id.* at 10-11. The Court explicitly warned Plaintiff: "If Plaintiff fails to adequately allege subject matter jurisdiction, or if Plaintiff fails to file an amended pleading by this deadline, this Court will dismiss this action with prejudice either *sua sponte* or by motion." *Id.*

1 Over two weeks have passed since the Court's July 30, 2018 Order, and Plaintiff
2 has not complied and has not filed any amended pleading. Plaintiff's Amended
3 Complaint still fails for lack of subject matter jurisdiction and still fails to set forth any
4 actionable legal claim. The Court cannot see how Plaintiff's complaint would be saved
5 with further amendment. *Lucas v. Dep't of Corr.*, 66 F.3d 245, 248 (9th Cir. 1995)
6 (dismissal without leave to amend is proper where "it is absolutely clear that no
7 amendment can cure the defect").

8 Accordingly, the Court **DISMISSES WITHOUT LEAVE TO AMEND**
9 Plaintiff's Amended Complaint (Dkt. # 41). Plaintiff's claims as to all Defendants are
10 hereby **DISMISSED WITH PREJUDICE**.

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12 Dated this 15th day of August, 2018.

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16 The Honorable Richard A. Jones
17 United States District Judge
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